

REMARKS

In the Office Action of December 17, 2003, the Examiner rejected claims 1-14, 16-18, 22-29 and 31-34, objected to claim 30, and allowed claims 19-21.

The Examiner first rejected claims 1-2, 4-5, 7, 11-12, 16, 22, 25-26, 28, 31-34 under 35 USC 103 (a) as being unpatentable over *Steyr et al.* in view of *Taylor*. However, the Applicants have amended independent claim 1 to clarify that the invention includes an integral floor and fender structure formed by a contoured body substantially composed of plastic material *wherein the contoured body is configured to be supported on the chassis* and the metal cab frame is supported on a top side of the contoured body *with the metal cab frame extending upward from the top side of the contoured body*. Applicants have amended independent claim 25 to refer to the recesses as concave facing upwardly and the cab frame extending upward from the top side of the contoured body.

Steyr et al. discloses a cab secured to a profiled floor shell with fasteners. From the figures the cab frame member 7 and the floor are metal. The cab frame member 7 is fastened to a flat edge region 9, adjacent a profiled flange 9. The frame member 7 is not fit into a recess that is concave open upwardly.

In contrast, to the teaching of *Steyr et al.*, the present invention of claim 1 secures a plastic contoured body onto the sub-floor chassis and secures the above-floor cab frame onto the plastic contoured body, not penetrating through the body to the chassis or set around the body to be fixed to the chassis.

In order to accomplish this construction, an exemplary configuration is used for structural strength. In this regard, according to the invention of claim 25, the cab frame is fixed into open top, concave recesses of the contoured body. The cab frame is fixed onto the plastic contoured body without frame penetrations or otherwise through the contoured body to the chassis below.

Taylor discloses a plastic floor adhesively-secured and fastener-secured to a top side of a vehicle sub-floor "cab structure." This sub-floor "cab structure" is located below the plastic floor of *Taylor* so that the plastic floor of *Taylor* can be fastened and adhesively-secured down onto the cab structure.

Taylor describes a vehicle cab floor made as a one-piece plastic molding. However, there is no description that a cab frame would be carried on top of the plastic cab floor. It is not suggested in this reference to have a metal cab frame supported on a top side of a plastic cab floor. The opposite is taught and suggested.

Taylor describes a border around an *underside* of the laminated floor that is treated so that the floor can be effectively secured onto a cab frame.

Furthermore in order to bolt this floor to the *underlying* cab structure, the floor includes slots 12 and recessed holes 13 to receive bolts by which the floor is secured to the cab structure (page 1, lines 109-112).

It is clear that in *Taylor* the cab floor 1 is bolted onto a sub-floor cab structure. A cab structure is not bolted onto the floor.

The present specification refers to the sub-floor supporting structure as a "chassis." The "cab frame" of the present invention is above the floor, and is

separate from the chassis. The cab frame is installed onto the plastic vehicle floor, separated from the chassis by the thickness of the plastic vehicle floor.

According to the preferred embodiment of the invention, advantages are achieved by securing a metal cab frame onto the top side of a one piece, plastic cab floor and fender structure. According to this embodiment, penetrations through the cab floor and fender structure to allow for the connection of the frame members to the chassis are avoided. By reducing penetrations, points of noise and water entry into the cab are reduced. By mounting the cab frame to a top side of the floor and fender structure, assembly is simplified. Furthermore, by mounting the cab frame onto a top side of the floor and fender structure, and providing the floor and fender structure with side rails to provide door and window sealing surfaces, the metal frame need not be extended outwardly to provide these sealing surfaces. A less complex and less costly frame structure can be provided.

The Examiner next rejected claims 23-24 under 35 USC §103 (a) as being unpatentable over *Steyr et al.* in view of *Taylor*.

For the reasons set forth above, these two references do not suggest the invention of base claim 1. Claims 23–24 should be allowable based on the allowability of claim 1 and for adding further patentable subject matter.

The Examiner next rejected claims 3, 8-10, 27 under 35 USC §102 (b) as being anticipated by, or, as being unpatentable under 35 USC §103(a) as been obvious over *Steyr et al.* in view of *Taylor*. For the reasons set forth above with regard to claims 1 and 25, these claims should be allowable based on the

allowability of the base claims and for adding the further patentable subject matter.

The Examiner next rejected claims 6 and 13 under 35 USC §103(a) as being unpatentable over *Steyer et al.* in view of *Taylor* and *Richards*.

Richards, like *Taylor* also does not disclose or suggest a metal cab frame mounted onto a top of a plastic contoured body that forms a floor and fender structure. The vehicle in *Richards* does not have a structure corresponding to a metal cab frame. Furthermore, as described at column 5, line 60 to column 6, line 35, and shown in figures 8 and 9, of *Richards*, external rollbar 46 and struts 47 are not supported on a top surface of the plastic flanges 74, 75 but are instead mounted on metal spacers 92, 102 that are welded to the top surface of the side rails 52, 53 of a frame 50, and which spacers penetrate through the plastic flanges.

For the reasons set forth above regarding claim 1, claims 6 and 13 should be allowable based on the allowability of the base claim and for adding further patentable subject matter.

The Examiner next rejected claim 14 under 35 USC §103(a) over *Steyr et al.* in view of *Taylor*. For the reasons set forth above regarding claim 1, claim 14 should be allowable based on the allowability of the base claim and for adding further patentable subject matter.

The Examiner next rejected claim 17, 18, 29 under 35 USC §103(a) over *Steyr et al.* in view of *Bonnett et al.*

Bonnett et al. also does not disclose the arrangements of independent, base claims 1 and 25 that a metal cab frame is supported on a top side of the plastic floor and fender structure, or a cab frame having bottom side members at least partially secured within longitudinally extending, open-top recesses of a plastic contoured body. *Bonnett et al.* describes various truck cab constructions which for the most part all comprised of two piece upper and lower cab halves. A first embodiment sets forth upper and lower halves made of plastic that are then adhesively secured together. A second embodiment describes upper and lower cab halves of sheet metal that are also adhesively secured together. This reference does not disclose a cab frame that is supported on a plastic floor and fender structure. Claims 1 and 25 should be allowable.

The Examiner next indicated that claims 19-21 are allowed. Applicants acknowledge this allowance with appreciation.

The Examiner next indicated that claim 30 is objected to, but would be allowable if rewritten in independent form including all the limitations of the base claim 25. Applicants have complied with these instructions and as such claim 30 should be allowable.

Applicants assert that all claims are now in condition for allowance and request issuance of the application.

Respectfully submitted;

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